

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 10, 14, 16 and 19 are currently being amended.

Claims 21-27 are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-10 and 12-27 are now pending in this application.

In the July 13, 2007 Office Action, the Examiner continued to reject claims 1, 10, 14, 15, 17, 19 and 20 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,650,632 to Volftsun et al. ("Volftsun"). The Examiner also rejected 3-9 and 12-13 under 35 U.S.C. §103(a) as being unpatentable over Volftsun, while claims 16-18 were rejected based upon Volftsun in view of U.S. Patent No. 6,324,175 (Shiomoto).

Applicant would like to thank the Examiner, Jerry Dennison, for the telephonic interview which was conducted on December 10, 2007 with Marshall Brown, attorney for Applicant. During this interview, Mr. Dennison and Mr. Brown discussed Volftsun in particular and its relationship to the pending independent claims. Unfortunately, no agreement was reached during this meeting. However, Applicant appreciates the Examiner taking the time to prepare for and participate in this interview.

In view of the Examiner's July 13, 2007 rejections, and in order to advance the prosecution of the present application, Applicant has amended independent claims 1, 14, 16 and 19 to more particularly describe patentable features of these claims over Volftsun.¹ In

¹ Applicant has also amended claim 10 so that the claimed network element is arranged to implement the method discussed in claim 1.

particular, claim 1 has been amended to describe how the method for data transmission is used for establishing datagram transference from a first transmission line that has at least a first circuit switched node and a second transmission line that has at least a second circuit switched node. Additionally, Applicant has amended claims 1, 14, 16 and 19 to recite:

wherein a header is provided with the indication indicative separately for each time slot of at least one of said network nodes, on whether the IP protocol datagram carries the corresponding channel, so that when the IP protocol datagram lacks carrying the corresponding channel indication, the receiving packet network node is enabled to receive data to that channel from other sources from a IP-network in a non-consecutive manner.

The above feature is discussed in detail, for example, at page 9 of the PCT application as published.

Applicant submits that the above feature is neither taught nor suggested by Volftsun. First, Applicant notes that Volftsun never teaches nor even mentions the use of a datagram header in any context. In fact, no header of any sort is explicitly taught in Volftstun. Additionally, Volftsun fails to teach any sort of indication of whether a datagram carries a corresponding channel in the second circuit switched transmission line, as has been noted repeatedly in Applicant's previous responses to Office Actions. Given that both of these features are absent from Volftsun, the combination of these features (where a datagram header contains this information) is clearly not taught or even suggested by Volftsun. Such a feature is also completely absent from Shiimoto and therefore cannot be used to cure Volftsun's deficiencies.

Because Volftsun and Shiimoto, either or alone or in combination fail to teach all of the features of independent claims 1, 14, 16 and 19 as amended, Applicant submits that these claims and their respective dependent claims are all patentable over the prior art of record.

Applicant has also added new claims 21-27. Each of these claims is directly or indirectly dependent upon claim 1, which Applicant submits is allowable over the cited prior art. With regard to claim 27, the language of this language substantially corresponds to

language that previously appeared in claim 1. Applicant submits that these new claims are allowable over the cited prior art for at least the reasons discussed above.

Lastly, Applicant wishes to make a final comment concerning the amendments made and discussed herein. By adding the claim language discussed herein, Applicant is not necessarily agreeing with the positions taken by the Examiner in the July 13, 2007 Office Action or in previous Office Actions. Therefore, Applicant fully reserves the right to revisit such issues at a later time, either in the present application or in subsequent continuation applications. Should the Examiner have any questions concerning this issue, he is encouraged to contact the undersigned at his earliest convenience.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: January 14, 2008

By /G. Peter Albert Jr./

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6735
Facsimile: (858) 792-6773

G. Peter Albert Jr.
Attorney for Applicant
Registration No. 37,268